

**CITY OF LINCOLN, NEBRASKA**  
**COMMISSION ON HUMAN RIGHTS MINUTES**  
May 29, 2014  
CITY COUNCIL CHAMBERS, 555 S. 10<sup>TH</sup> STREET

The May 29, 2014, meeting of the Commission on Human Rights was called to order at 4:02 p.m. by Bennie Shobe, Chair.

**ROLL CALL:**

The roll call was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners: Bennie Shobe (Chair), Mary Reece (Vice-Chair), Amanda Baron, Sue Oldfield, Takako Olson, and Micheal Q. Thompson. Quorum present. Jon Rehm joined the meeting at 4:15 p.m.

**MEMBERS ABSENT:**

Melanie Ways and Liz King.

**STAFF PRESENT:**

Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Loren Roberts and Peg Dillon.

**APPROVAL OF APRIL 17, 2014 MINUTES:**

A motion was made by Oldfield and seconded by Thompson to approve the minutes of the April 17, 2014 meeting as submitted. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson and Thompson. Motion carried.

**APPROVAL OF MAY 29, 2014 AGENDA:**

A motion was made by Thompson and seconded by Reece to approve the meeting agenda. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson and Thompson. Motion carried.

**CASE DISPOSITIONS:**

**LCHR #13-0705-022-E-R**

A motion was made by Oldfield and seconded by Olson to recommend a finding of **No Reasonable Cause** on all issues.

Reece and Thompson asked if there was documentation about the incident in which an employee called an ambulance after work, and questioned why criminal charges were not filed. Lemke said she talked with the victim and when he talked with the police officer, it was decided not to file a complaint because of his participation in an earlier incident.

Thompson asked about the details of the Complainant's complaint to the Respondent. Lemke verified that the Complainant complained about an incident that occurred in December of 2012, but not the manager's yelling and cussing.

There was discussion about the hostile work environment, if it was severe or pervasive, and about same-sex harassment cases. Lemke said the Respondent wasn't effective in controlling the work environment; however, the Complainant testified that the inappropriate behavior was simply annoying, which Lemke states falls short of being severe or pervasive.

Olson commented that the Respondent does not do enough to protect the employees from a hostile work environment. Lemke agreed and said that cooperation from Respondent even during this external investigation was not timely.

There was discussion about the commission that was paid to employees and the inconsistency of the application of it. Lemke said she couldn't obtain much proof about the commission and whether or not it was applied correctly for each technician. Complainant alleged that all of the technicians have had commission taken away unfairly.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #14-0224-003-E-R**

A motion was made by Olson and seconded by Reece to recommend a finding of **No Reasonable Cause** on all issues.

Shobe asked about the Complainant's required counseling and why the Complainant would consider this retaliation. Nichols explained that it hadn't happened before but, with this one, the Respondent felt concerned enough to contact a counselor. It was the counselor who suggested that the counseling should be mandatory. The Respondent was concerned for the Complainant's welfare; however, the

Complainant felt mandatory counseling was done in retaliation for his complaining about discrimination.

There was a discussion about the Complainant's lost hours of pay allegation. Nichols explained that a shift in the schedule showed that the Complainant did not miss any pay and actually received two hours of overtime pay.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #14-0407-007-E-R**

A motion was made by Oldfield and seconded by Thompson to recommend a finding of **No Reasonable Cause** on both issues.

Reece asked for clarification about another employee who was terminated after bringing a knife to work several times, while the Complainant was fired after only one incident. Lemke said that the Complainant had overreacted and threatened another employee. Shobe commented that the Respondent did behave properly by letting the Complainant go.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #14-0328-003-H**

A motion was made by Reece and seconded by Oldfield to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #14-0423-004-H**

A motion was made by Shobe and seconded by Thompson to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #14-0425-006-H**

A motion was made by Oldfield and seconded by Reece to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #14-0428-007-H**

A motion was made by Thompson and seconded by Reece to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**LCHR #13-1106-035-E-R**

A motion was made by Reece and seconded by Baron to approve the administrative closure due to withdrawal.

Lemke was asked about the Complainant's reason for the withdrawal. Lemke replied that the Complainant just wanted to put the situation behind him.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Rehm, and Thompson. Motion carried.

**OLD BUSINESS:**

Shobe questioned if there needs to be any further action taken on the review of the updated Bylaws. Taylor-Riley said the final document had been approved and signed.

**NEW BUSINESS:**

**Retaliation Analysis Memo**

Nichols referred to the discussion from the last meeting regarding applicable case law in retaliation cases. Commissioners discussed the memo and Olson added that she trusts what the investigators provide with regard to case law and its application. Commissioners were reminded they can contact the investigators before the Commission meeting with any questions they might have.

### **Outreach Efforts**

Roberts discussed various outreach efforts that are being used within the community. KZUM will have a radio show that will highlight LCHR. Angela Lemke and Bennie Shobe will be participating in the interviews.

There will be a video produced by the CIC department and City Channel 5 that will highlight the Commission on Human Rights, its purpose, history, how to file a complaint, and the complaint process. The audio will be done in Spanish and English. Advertising on StarTran buses will be done by installing two LCHR posters on about 10 buses. She added there will also be advertising in the Lincoln Kids magazines that are distributed around Lincoln.

Upcoming fairs: Juneteenth on June 21<sup>st</sup>, World Refugee Day – June 20<sup>th</sup> at the Malone Center, Streets Alive – near south neighborhoods.

Shobe talked about the Commissioners getting out to their committees and groups to perform outreach.

Roberts added that Taylor-Riley and she also presented a Cultural Competency class at StarTran.

The meeting was adjourned at 5:03 p.m.

### **Next Meeting:**

The next meeting will be Thursday, June 26, 2014, at 4:00 p.m. in City Council Chambers at 555 S. 10<sup>th</sup> Street.